

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHANIE M. REVERON,

Plaintiff,

-V-

SPREADSHIRT, INC. *et al.*,

Defendants.

24 Civ. 4093 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff Stephanie M. Reveron filed her Complaint in this matter on May 29, 2024. Dkt.

1. On June 20, 2024, Defendant Walmart-Stores, Inc. (“Walmart”) moved to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6). Dkt. 7. In response, Plaintiff moved to amend her Complaint. Dkt. 30. On November 19, 2024, the Honorable Robyn F. Tarnofsky, to whom this case has been referred for general supervision of pretrial proceedings and to issue a report and recommendation on any dispositive motion, issued a Report and Recommendation, recommending that leave to amend be denied without prejudice to Plaintiff filing a renewed motion. Dkt. 43. The undersigned adopted Judge Tarnofsky’s Report and Recommendation in its entirety on December 10, 2024. Dkt. 44.

On December 20, 2024, Plaintiff filed a renewed motion to amend and attached a revised proposed First Amended Complaint. Dkts. 45-46. By Order dated December 30, 2024, Judge Tarnofsky set deadlines of January 13, 2025, for Defendants to oppose the motion to amend, and January 23, 2025, for Plaintiff to file any reply. Dkt. 47. Judge Tarnofsky's Order stated that "if the renewed motion to amend is denied, [the non-Walmart Defendants] shall have ten days to respond to the complaint; and if the motion to amend is granted, those Defendants along with

Walmart-Stores, Inc. shall have 21 days from the filing on the docket of the new operative complaint to respond to it.” *Id.*

In light of Plaintiff’s pending motion to amend, Walmart’s motion to dismiss, Dkt. 7, is denied without prejudice to refiling pending the resolution of Plaintiff’s motion. In the event Plaintiff’s motion to amend is denied, Walmart may refile its motion to dismiss the original Complaint. In the event Plaintiff’s motion to amend is granted, all Defendants may file an answer or a motion to dismiss that amended complaint within twenty-one days of the pleading’s filing, in accordance with Judge Tarnofsky’s deadline.

The Clerk of Court is respectfully directed to close Docket Number 7.

SO ORDERED.

Dated: January 2, 2025  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge